

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

ROGER L. LYLE,

Petitioner,

v.

LUELLA BURKE,

CASE NO. 96-CV-70653-DT  
HONORABLE JOHN CORBETT O'MEARA  
UNITED STATES DISTRICT JUDGE

Respondent,

**OPINION AND ORDER DENYING THE MOTION FOR TRANSFER OF  
CUSTODY AND THE MOTION FOR RECONSIDERATION**

Petitioner filed a motion to reinstate his petition for writ of habeas corpus, in which he again sought to challenge his 1984 convictions for first-degree felony murder and assault with intent to commit murder. Petitioner sought to re-open his third habeas petition, which was denied on the merits. The Court ordered that the motion be transferred to the Court of Appeals pursuant to 28 U.S.C. § 2244(b)(3)(A), because the motion was a successive petition for a writ of habeas corpus that required a certificate of authorization from the Court of Appeals before petitioner could proceed. *Lyle v. Burke*, No. 96-CV-70653-DT, 2015 WL 7075955 (E.D. Mich. Nov. 12, 2015).

Petitioner has filed a motion for transfer of custody and a motion for reconsideration of the Court's order transferring the case to the Sixth Circuit pursuant to § 2244(b)(3)(A). For the reasons that follow, the motions are DENIED.

A district court loses jurisdiction over a state prisoner's habeas petitions when it

transfers it to Court of Appeals on the ground that it is a second or successive petition. *Jackson v. Sloan*, 800 F. 3d 260, 261 (6th Cir. 2015). This Court thus lacks jurisdiction pursuant to 28 U.S.C.A. §§ 1631 and 2244(b)(3)(A) to consider petitioner's motion for reconsideration of the transfer order as well as any other motions. *Id.*, at 261-62.

IT IS HEREBY ORDERED that the motion for transfer of custody (Dkt. # 67) and the motion for reconsideration (Dkt. # 68) are DENIED.

s/John Corbett O'Meara  
United States District Judge

Date: December 3, 2015

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, December 3, 2015, using the ECF system and/or ordinary mail.

s/William Barkholz  
Case Manager